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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|-------------|---------------------------|---------------------|------------------|--|
| 09/935,568 | 08/24/2001 | Stefan Paul Keller-Tuberg | Q64991 | 8849 | |
| 7590 | 04/07/2005 | EXAMINER | | | |
| SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC | | | | CHANG, RICHARD | |
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| | | | | ART UNIT | |
| | | | | PAPER NUMBER | |
| | | | | 2663 | |

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|----------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/935,568 | KELLER-TUBERG, STEFAN PAUL | |
| | Examiner | Art Unit | |
| | Richard Chang | 2663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 September 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities in the specification:

The phrase “the separation of downstream and bi-directional or unidirectional upstream flows” is not clear to particularly point out and distinctly the relation of subject matter in page 1, lines 25-26. The relation should be properly marked such as “the separation of downstream, and bi-directional or unidirectional upstream flows” to clearly point out the relation for the separation of two distinct subject matters.

Appropriate corrections are required.

Claim Objections

2. Claims 3, 5 and 9 are objected to under 37 CFR 1.75(c) as being in improper form because the claims fail to place an “and” word before the last subject matter/limitation, as they may claim much broader scope beyond the application.

For further examination, the examiner assume that there is an “and” placed properly.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to the independent claim 1, the phrase "the separation of downstream and bi-directional or unidirectional upstream flows" is indefinite for failing to particularly point out and distinctly claim the subject matter. For further examination, the examiner assumes the "A and (B or C)" format.

5. Claims 5-8 which claim both an apparatus and the method steps of using the apparatus in the independent claim 5 are indefinite under 35 U.S.C. 112, second paragraph. Claim 5 also recites the limitation "... a method as claim in the network..." in line 29, page 15 in the independent claim 5. There is insufficient antecedent basis for this limitation in the claims. For further examination, the examiner assumes the duplicated limitation is deleted.

6. Claims 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. .

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects

for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent No. 6,563,830 ("Gershon et al.").

Regarding claims 1, 9 and 11-12, Gershon et al. teach an apparatus for and method of multicast registration in an Asynchronous Transfer Mode (ATM) based Emulated LAN (ELAN, 90 as a point-to-multipoint enabled network) (See Fig. 5) comprising of

a multicast router (112), and

a plurality of IP multicasting listeners (114, end user communication equipments), wherein the end user equipments (114) and the multicast router (112) are controlled by packet forwarding database (forwarding rules) to enable the separation of unidirectional and bi-directional flows (See Fig. 5, Col. 5, lines 1-24).

Regarding claim 2, Gershon et al. further teach that the unidirectional flows pass from a router (94) to Selective Multicast Server (SMS, 108 as an access node) as a single stream and are queued (replicated) in the access node (108) for transmission over individual paths to the end user equipments (114), and wherein individual bi-directional flows are relayed between the router (94) and end user equipments (114) as individual flows via the access node (108) (See Fig. 5, Col. 7, lines 5-16).

Regarding claim 3, Gershon et al. further teach that the rules separate the flows into: one or more P2M Control Distribute VCC's (shared unidirectional point-to-multipoint connections on which unidirectional multicast information flow is transmitted),

and a P2P Control Direct VCC (dedicated point-to-point connection for each end-user equipment on which other traffic is transmitted) (See Fig. 5, Col. 5, lines 14-20).

Regarding claim 4, Gershon et al. further teach that the information flow is carried on an ATM point to multipoint connection and wherein bi-directional and control flows are carried on an ATM point-to-point connection (See Fig. 5, Col. 5, lines 14-23).

Regarding claim 5 and 10, Gershon et al. further teach that a cell or packet based SMS (100 as access node) and IP gateway (98) supporting bi-directional point-to-point and unidirectional point-to-multipoint transport connections and interposed between the router (94) and the end-user communication equipments (114) (See Fig. 5, Col. 13, lines 42-61).

Regarding claim 6, Gershon et al. further teach that the unidirectional flows between the router and the user equipments are point-to-multipoint ATM flows (See Fig. 5, Col. 5, lines 14-23).

Regarding claim 7, Gershon et al. further teach that the control flows and bi-directional flows are transmitted between the user equipments and the router as point-to-point ATM flows (See Fig. 5, Col. 4, lines 59-67).

Regarding claim 8, Gershon et al. further teach that one router (112) is an IP multicast router (See Fig. 5, Col. 13, lines 48-51).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RKC
rkc

Richard Chang
Patent Examiner
Art Unit 2663

Richard Chang
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PRIMARY EXAMINER

4/4/05